

REMARKS

Applicants hereby elect the invention of claim Group I (including claims 1-11) for prosecution. Reconsideration and withdrawal of the restriction requirement at least as between the claims of Groups I and III is, however, requested based on the following observations.

The Examiner has asserted there to be four (4) patentably distinct inventions in this application based on the special technical feature (STF) of the molar ratio of melamine to formaldehyde being allegedly disclosed in USP 6,379,814 (US '814) corresponding to US Published Application 2002/054994. Applicants note in this regard that, in the Search Report, special attention is given to paragraphs [0018] and [0111] of the published application corresponding to US '814 as well as Example 9 and the claims.

Starting with Example 9 of US '814, it should be noted that a melamine-formaldehyde resin is disclosed prepared from 24 parts melamine and 25 parts of formaldehyde. Claim 1 of the present application requires the ratio between melamine and formaldehyde to be a molar ratio (and not a weight based ratio). Therefore using the molecular weights of melamine and formaldehyde (132 and 30, respectively), one may calculate the molar ratio of melamine to formaldehyde of Example 9 of US '814 as being $(24/132 : 25/30) = 0.22$, which is much lower than the lowest value defined in applicants' pending claim 1.

In Example 10 of US '814, such a resin is used in the preparation of laminates, whereas the applicants' claim 1 is directed towards OSB. As such, Example 9 does not disclose at all the presently claimed invention.

US '814 refers to OSB preparation in the combination with the use of phenol-formaldehyde resin (see column 8, line 28 to column 14, line 56, and especially column

11, line 44 to column 13, line 12. The use of melamine-formaldehyde resin starts no earlier than in column 14, line 57; in the description following this line no use in OSB is disclosed.

Therefore, in short US '814 most certainly does not anticipate the presently claimed invention.

The claims directed to the invention defined by Groups II and IV nonelected for prosecution herein and directed to a second OSB product and a method of making such a second OSB product, respectively have been cancelled, but cancellation of such claims has been made without prejudice to the applicants' rights under 35 USC §121. Claims 18-19, 22 and 24 of Group III directed toward a method of making a first OSB product have been retained in this application pending final resolution of the subject restriction requirement and possible rejoinder with the elected claims 1-11 of Group I.

An early and favorable action on the merits of claims 1-11, 18-19, 22 and 24 is therefore requested.

EVERS et al
Serial No. 10/561,942
March 3, 2008

Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100